THE HONOURABLE MR. JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 656 of 2007

DATED: 5-1-2007

Between:

A.P.Social Welfare Residential Educational
Institutions Staff Association, represented by its
General Secretary Mr. D.N.Murthy,
Hyderabad

…Petitioners

and

A.P.Social Welfare Residential Educational Institutions
Society, Hyderabad and others.

…Respondents.

THE HON'BLE MR. JUSTFICE R.SUBHASH REDDY

W.P.No. 656 of 2007

Oral order:

The petitioner-A.P.Social Welfare Residential Educational Institutions Staff Association has filed this writ petition seeking a direction by way of mandamus to declare the action of the respondents in not complying with the directions issued by the Government in G.O.Rt.No.793 Social Welfare (RS.1) Department dated 29-12-2006 as illegal and arbitrary and consequently direct the first respondent to continue the promotes at their present place of work till the end of the academic year 2006-07.

The only basis for filing the writ petition is the Government order issued in G.O.Rt.No.793 dated 29-12-2006. It appears, basing on the representation from the Staff Association, Government has issued orders in G.O.Rt.No.793, dated 29-12-2006 for continuance of all the promotees at the present working station till the end of the academic year 2006-07. But however, the learned standing counsel appearing for the second respondent submits that after receipt of this order, the second respondent has addressed the Government for modification of the said order stating that it is not possible to retain all the promotees at the same station in view of the urgent requirement at various schools maintained by the second respondent – Society at various places. It is to be noted that the second respondent-Society is running residential schools in the entire State of Andhra Pradesh, and, whether on promotion, a particular teacher is to be retained or to be transferred, it is for the society to consider. But however, there cannot be any direction to continue all the promotees at their working places till the

end of the academic year. Not to effect transfer in the middle of the academic year is not an absolute right and it is for the employer to pass appropriate orders of transfer, having regard to the urgent requirement of posting of teachers in various schools. It is also the case of the petitioners that some promotee teachers are retained at the same stations, and, it amount to discrimination. The retention of promotee teachers at same stations is subject to availability of vacancies and requirement, and, the same will not amount to discrimination. If there is any requirement of promotee teachers at the same place, in such circumstances, certainly the employer can retain them and where there is no requirement, the promotee teachers can be transferred to the required places. It cannot be said that the same is in violation of the Article 14 of the Constitution of India. As much as G.O.Rt.no.793, Social Welfare (RS.1) Department, dated 29-12-2006 is issued only based on the representation of the association of teachers, and, further, the second respondent-Society has already addressed the Government for modification of the said order, I do not find any merit in this Writ Petition for grant of any relief under Article 226 of the Constitution of India.

The Writ Petition is devoid of merits and is accordingly dismissed. No order as to costs.

R.SUBHASH REDDY, J

5th January, 2007
Note: Issue copy by tomorrow
/B.O/GRR/Msnr